

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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**IN RE WESTERN STATES WHOLESALE
NATURAL GAS ANTITRUST
LITIGATION,**

MDL Docket No. 1566

Base Case No. 2:03-cv-01431-RCJ-PAL

**THIS DOCUMENT RELATES TO:
*ALL ACTIONS***

ORDER

12 This matter is before the court on the Xcel Defendants failure to respond to the court's
13 Order (ECF No. 2522) denying Plaintiffs' Motion for Leave to File Under Seal (ECF No. 2499)
14 without prejudice and instructing the designating party (or parties) to file a memorandum of
15 points and authorities and any supporting declaration or affidavit to make a particularized
16 showing as to why certain documents should remain under seal.

17 Plaintiffs sought leave to file under seal because counsel for the Xcel Defendants
18 designated certain documents as confidential. The documents were referenced as Exhibit C in
19 Plaintiffs' Reply to Xcel Defendants' Opposition to Plaintiffs' Fed. R. Civ. P. 56(d) Motion. *See*
20 Sealed Exhibit (ECF No. 2498). The court instructed the designating party (or parties) to make a
21 particularized showing on or before August 22, 2016. *See* Order (ECF No. 2522). However, no
22 response was filed and the deadline to do so has now expired. The parties were cautioned that if
23 they failed to timely comply with the Order, the Clerk of the Court would be directed to unseal
24 the documents to make them available on the public docket.

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1 Accordingly,

2 **IT IS ORDERED:** the Clerk of the Court shall UNSEAL the Sealed Exhibits (ECF
3 No. 2498).

4 Dated this 13th day of September, 2016.

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6 PEGGY A. TEES
7 UNITED STATES MAGISTRATE JUDGE
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